

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM VICTOR,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 1:20-425
	:	
v.	:	(MANNION, D.J.)
	:	(CARLSON, M.J.)
JOHN WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

Presently before the court is the report and recommendation (“Report”) of Magistrate Judge Martin C. Carlson, ([Doc. 102](#)), which recommends that the court deny the plaintiff William Victor’s motion for injunctive relief, ([Doc. 99](#)). Neither party has filed objections.

Even where no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P.72\(b\)](#) advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or

in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. Local Rule 72.31.

In his Report, Judge Carlson notes that, after having his previous motions for preliminary injunctions denied, Victor filed one more motion that again seeks injunctive relief against non-parties to the above-captioned case, based upon allegations that are not legally, logically, temporally, or topically related to the claims in this lawsuit. Judge Carlson further observes that Victor's motion does not comply with the "general rule that a court may not enter an injunction against a person who has not been made a party to the case before it." See *Additive Controls & Measurements Sys. Inc. v. Flowdata, Inc.*, 96 F.3d 1390, 1394 (Fed. Cir. 1996) (citing *Scott v. Donald*, 165 U.S. 107, 117 (1897)). For these reasons, Judge Carlson once again recommends this court deny Victor's motion for preliminary injunction.

The court has conducted a thorough review of the Report, the pleadings, and the other filings of record, as well as the applicable law in this case, and the court agrees with Judge Carlson's sound reasoning which led him to his recommendation. Accordingly, the court will adopt the Report in its entirety as the decision of this court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The Report of Judge Carlson, ([Doc. 102](#)), is

ADOPTED IN ITS ENTIRETY;

(2) Victor's motion for injunctive relief, ([Doc. 99](#)), is

DENIED;

(3) The matter is **REMANDED** to Judge Carlson for further proceedings.

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: January 7, 2022

20-425-05